

**IN THE
SUPREME COURT OF INDIANA**

CASE NUMBER:

ORDER AMENDING ADMINISTRATIVE RULES

Under the authority vested in this court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 1, 7 and 14 of the Indiana Administrative Rules are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

ADMINISTRATIVE RULES

Rule 1. Preparation and Filing of Caseload Reports

(B) Quarterly Case Status Reports.

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- (4) Each defendant charged with one or more offenses arising out of the same incident or multiple incidents to be tried as one case shall be assigned one case number, regardless of the number of counts or citations charged against the defendant. The case shall be designated as a ~~CF – Criminal Felony~~, DF MR – Murder, FA – Class A Felony, FB – Class B Felony, FC – Class C Felony, FD – Class D Felony, CM – Criminal Misdemeanor, MC – Miscellaneous Criminal, IF – Infraction, OV – Local Ordinance Violation, or OE – Exempted Ordinance Violation and shall be counted as one case on the quarterly case status report. When the defendant is charged with multiple charges involving different case type categories, the case number shall be designated so as to reflect only the most serious charge. This method of assigning case numbers is intended for administrative purposes only.

(D) **Judge's Signature.** The judge of the court or the chief judge of a unified court system shall sign all quarterly caseload reports and all quarterly probation reports, or if reports are filed electronically, the judge of the court or the chief judge of a unified

court system shall sign a verification of reports provided by the Division of State Court Administration.

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~~(E) Filing of Tort Litigation Cover Sheet. On forms prepared by the Division of State Court Administration, as approved by the Supreme Court of Indiana, a plaintiff shall file a Tort Litigation Cover Sheet at the time of commencing actions designated as Civil Tort (CT) in all courts of record in this state. The information provided by the party filing a Tort Litigation Cover Sheet shall not bind the parties to any particular course of litigation and the cover sheet shall be deemed amended by any subsequent acts of the parties inconsistent with information initially supplied. This section shall expire on January 1, 1992. However, the clerk of courts shall forward to the Division of State Court Administration the disposition page for tort cases filed through December 31, 1991.~~

~~Upon filing of the Tort Litigation Cover Sheet, the Clerk of the Circuit Court shall forward a copy to the Division of State Court Administration. Upon completion of the litigation, the Clerk of the Circuit Court shall add the requested disposition information and forward a copy, as completed, to the Division of State Court Administration.~~

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Rule 7. Judicial Retention Schedules

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II. Procedure

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85-1.1-25R	Plenary Civil Case Files <u>Designated as CP, CT, MT,</u> <u>PL, CC, MF</u>	1790-9/1881	transfer to Archives Division, Indiana Commission on Public Records.
		9/1881-1990	maintain all divorce/dissolution cases; cases where title to real property is in issue; public sector cases; and pre-1941 adoption and bastardy cases in original or in microfilm. For remaining cases, maintain a 2% statistical sample, which is determined by the Division of State

Court Administration with transfer to the Archives Division, Indiana Commission on Public Records. Destroy remaining files 20 years after final disposition.

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85-1.1-26R	Dismissed Civil Case Files <u>Designated as CP, CT, MI, RS, DR, MH, PO, PL, CC, MF</u>	9/1881- +	<u>Unless relief granted under TR 60(B):</u> (a) those dismissed before trial, destroy 2 years after dismissal; (b) those dismissed during or after trial, destroy 2 years after order to dismiss is given under TR 41. unless relief granted under and TR 60(B).
89-1.1-26.1R	Shorthand Notes/Tapes/ Disks Not Transcribed	1873- +	destroy 3 years after date of trial for CP cases; 3 years after date of trial for DR cases. <u>destroy 3 years after date of trial for CP, CT, MI, RS, DR, MH, PO, CC, MF.</u>

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91-1.5-08	URES <u>UIRESA</u> Uniform Support, Petition, Certificate and Order as Initiating Court Under IC 31-2-1-14 <u>IC 31-18-3-4</u>	7/01/1951- +	maintain 2 years after order is entered if copy of petition is maintained by prosecuting attorney. (Docket Sheet/CCS is maintained).
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<u>01-1.5-10</u>	<u>Reciprocal Support (RS)</u> Case files as Responding Court under <u>IC 31-18-3-5</u>		<u>destroy case files 21 years after date of last action (Applies to both</u>
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adjudicated and
dismissed case files.)

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85-2-21R	Felony Criminal Case Files (CF)	1790- to 9-01-1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Commission on Public Records.
		9/1881-1990	Maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Commission on Public Records. Destroy remaining files 55 years after final disposition. Maintain packet for post- conviction relief.

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85-2-27R	Shorthand Notes/Tapes/ Disks Not Transcribed— Felonies (CF)	1873- +	destroy 55 years after date of trial. [Criminal Rule 5]
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85-4.1-09	Original Pleadings (Case Files)	1903-1990	destroy 20 years from final judgment/order unless expunged.
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<u>01-4.1-29</u>	<u>JD case files</u>	<u>IC 31-30-1-4 felonies committed by a juvenile under 16 years of age</u>	<u>destroy 12 years after juvenile reaches 18th birthdate.</u>
<u>01-4.1-30</u>	<u>JD, JC, JM and JS case files</u>	<u>Delinquency cases not under IC 31-30-1-4 for under 16 years of age and all CHINS, status and miscellaneous case files</u>	<u>destroy 12 years after juvenile reaches 18th birthdate.</u>
<u>01-4.1-31</u>	<u>JT case files</u>	<u>Termination of parental rights</u>	<u>destroy 5 years after juvenile reaches 18th birthdate.</u>
<u>01-4.1-32</u>	<u>Juvenile CCS</u>	<u>Official Chronological Case Summary</u>	<u>maintain permanently in original or in microfilm meeting AR 6 and upon written approval of the Division of State Court Administration</u>
<u>01-4.1-33</u>	<u>Juvenile RJO</u>	<u>Record of Judgments and Orders</u>	<u>maintain permanently in original or in microfilm meeting AR 6 and upon written approval of the Division of State Court Administration</u>
...			
85-5.1-07R	Plenary Case Files	1976-1990	maintain permanently in original or microfilm. <u>maintain in accordance with 85-1.125R</u>
...			
85-5.1-14	Case Files—Criminal & Misdemeanor	1976-1990	destroy misdemeanor case files 10 years after final disposition; maintain Class D Felonies for 55 years-1979 +. Sample CM case files in accordance with 90-2-21-2; sample CF <u>felony</u> cases in accordance with 85-2-21R.
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Rule 14. Video Telecommunication in Criminal, Juvenile, and Mental Health Proceedings.

(A) Authority. A trial court may conduct hearings and proceedings utilizing video telecommunications pursuant to the provisions of this rule in the following circumstances:

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(3) In juvenile proceedings:

(a) When a child is alleged to be a delinquent child, a detention hearing pursuant to IC ~~31-6-4-5(f)~~ 31-37-6;

(b) When a child is alleged to be a child in need of service, a detention hearing pursuant to IC ~~31-6-4-6~~ 31-34-5; and

...

(B) Facilities and Equipment. During any hearing or proceeding conducted under this rule, the court shall assure that:

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~~(7) A video and audio recording shall be made and preserved by the court.~~

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These amendments shall take effect August 1, 2003.

The Clerk of this Court is directed to forward a copy of this order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of July, 2003.

Acting Chief Justice of Indiana

All Justices concur.